

## ASSIGNMENT 3

Textbook Assignment: "Legal Aspects of Military Law (continued)", and "Punitive Articles of the UCMJ," chapter 2, pages 2-9 through 2-16, and appendix III, pages AIII-1 through AIII-10.

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| <p>3-1. When a person is apprehended, what is the meaning of the term "physical restraint"?</p> <ol style="list-style-type: none"><li>1. The loss of the person's free movement</li><li>2. The physical force required to accomplish the apprehension</li><li>3. The person is placed in confinement</li><li>4. The person resists apprehension</li></ol> <p>3-2. In which of the following circumstances may it be necessary to use force to apprehend an offender?</p> <ol style="list-style-type: none"><li>1. When the offender has committed a serious crime</li><li>2. When the offender resists apprehension</li><li>3. When the offender uses abusive language</li><li>4. When the offender threatens to run away</li></ol> <p>3-3. Apprehensions should be made only when based on which of the following reasons?</p> <ol style="list-style-type: none"><li>1. Known offenses</li><li>2. Major offenses</li><li>3. Positive knowledge</li><li>4. Probable cause</li></ol> <p>3-4. When is an apprehension justified?</p> <ol style="list-style-type: none"><li>1. Anytime a crime has been committed</li><li>2. Anytime for cause</li><li>3. Anytime the facts and circumstances indicate a person committed an offense</li><li>4. Under all of the above circumstances</li></ol> | <p>3-5. Unless an offense is of a serious nature, you should NOT apprehend an officer unless it is under which of the following circumstances?</p> <ol style="list-style-type: none"><li>1. The officer is obviously drunk in public</li><li>2. The officer is out of uniform</li><li>3. You are ordered to do so by another officer</li><li>4. You are ordered to do so by an officer superior to the offender only</li></ol> <p>3-6. You are the senior MA of a two-person patrol. As you approach an offender with the intent of apprehension, where should you place yourself in relation to the offender?</p> <ol style="list-style-type: none"><li>1. Right front</li><li>2. Right rear</li><li>3. Left front</li><li>4. Left rear</li></ol> <p>3-7. In relation to the offender, where should the second MA take a position?</p> <ol style="list-style-type: none"><li>1. Right rear</li><li>2. Left rear</li><li>3. In the center, directly behind the offender</li><li>4. Where directed by the senior MA</li></ol> <p>3-8. When it is necessary to effect an apprehension, bear in mind that courtesy and politeness on your part may elicit which of the following responses?</p> <ol style="list-style-type: none"><li>1. Better public relations</li><li>2. Respect for law enforcement</li><li>3. Smoother apprehensions</li><li>4. All of the above</li></ol> |
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- 3-9. When evaluating a suspect prior to apprehension, which of the following information should you consider?
1. Any reasonable doubt that the suspect committed the offense
  2. If the charge is minor and whether the subject has been drinking
  3. That the suspect knows the charge and is aware of his rights
  4. The suspect's attitude, injuries, and probable cause
- 3-10. Once a decision to apprehend has been made, it should be effected quickly for which of the following reasons?
1. To prevent arguments
  2. To book and charge the suspect with minimum delay
  3. To remove the suspect from the scene with minimum delay
  4. To prevent discredit on the law enforcement organization
- 3-11. To properly effect an apprehension, which of the following statements to the suspect is sufficient?
1. COME WITH ME
  2. YOU'RE UNDER APPREHENSION
  3. GET IN MY VEHICLE
  4. A full reading of Article 31, UCMJ
- 3-12. On the scene, which of the following actions should you take immediately after effecting an apprehension?
1. Notify your headquarters of the apprehension and identify the suspect
  2. Notify the suspect's command
  3. Search the suspect for weapons
  4. Interrogate the suspect about the offense
- 3-13. The right of civilians to assist in maintaining peace applies to which of the following Navy personnel?
1. All members of the Navy
  2. Shore patrol only
  3. Officers only
  4. Petty officers and officers only
- 3-14. Under which of the following circumstances, if ever, may an MA ordinarily apprehend under the citizen's right to arrest?
1. When the MA has the commanding officer's permission
  2. When the offender is on a naval base
  3. At anytime the MA is on duty
  4. Never
- 3-15. An MA brought to trial for acts done while assisting civil authorities has what defense(s) available?
1. Superior orders only
  2. Military necessity only
  3. Superior orders and military necessity
  4. Title 16, U.S. Code
- 3-16. The Fifth Amendment contains which of the following provisions?
1. All persons are protected from illegal search
  2. All persons are protected from illegal seizure of their property
  3. No person shall be compelled in any criminal case to be a witness against himself
  4. Each of the above
- 3-17. Article 31 is a statutory enactment of judicial interpretations of what amendment of the Constitution?
1. Fifth
  2. Second
  3. Third
  4. Fourth

3-18. What is an explanation of a suspect's rights before questioning called?

1. Rights statement
2. Self-incrimination warning
3. Fifth Amendment warning
4. Pre-interrogation warning

3-19. The right of an accused in a criminal case to be informed of the nature of the accusation against him is covered under what amendment to the Constitution?

1. Fifth
2. sixth
3. Third
4. Fourth

3-20. The right to have the assistance of counsel for a person's defense is a right under what amendment to the Constitution?

1. Fifth
2. sixth
3. Third
4. Fourth

3-21. What two words are the keys to understanding UCMJ Article 31(a)?

1. Questioning and Interrogating
2. Compulsion and self-incrimination
3. Evidence and guilt
4. Self-incrimination and interrogation

IN ANSWERING QUESTIONS 3-22 THROUGH 3-27, SELECT THE SUBSECTION OF ARTICLE 31, UCMJ IN COLUMN B THAT MATCHES THE DESCRIPTION GIVEN IN COLUMN A. RESPONSES MAY BE USED MORE THAN ONCE.

A. DESCRIPTIONS		B. SUBSECTIONS OF ARTICLE 31	
3-22.	Protects suspects and witnesses from self-incrimination	1.	31a
		2.	31b
		3.	31c
3-23.	Prohibits you from interrogating a person prior to informing that person that he or she does not have to make a statement regarding the offense of which accused	4.	31d
3-24.	Requires you to inform a suspect that any statement given by him or her could be used in a court-martial		
3-25.	Protects persons against making statements before any military tribunal if the statement is not material to the issue		
3-26.	Precludes admission of immaterial or irrelevant evidence		
3-27.	Provides that evidence or statements obtained without affirmative compliance with Article 31 by the interrogator are inadmissible in a court-martial		

- 3-28. A failure to comply with Article 31 does not necessarily mean that a guilty person goes free.
1. True
  2. False
- 3-29. Of the following personnel, which one need NOT receive a rights warning during an investigation?
1. A suspect
  2. A witness
  3. The accused
- 3-30. Article 31 warnings may be given to suspects by which of the following persons?
1. NCIS agents
  2. Security personnel agents
  3. Persons acting on the request of the military in furtherance of a military investigation
  4. All of the above
- 3-31. A witness is being questioned and the interrogator suspects the witness has committed an offense. What, if anything, must the interrogator do?
1. Stop the questioning and inform NIS
  2. Warn the witness after the interrogation is over
  3. Warn the witness as soon as the interrogator suspects the witness
  4. Nothing
- 3-32. During an interrogation, an accused makes a confession without proper warnings being given. What type of a statement is this?
1. Voluntary
  2. Spontaneous
  3. Involuntary
  4. Compelled
- 3-33. What official body has sanctioned the cleansing warning procedure?
1. Supreme Court
  2. Judge Advocate General
  3. Court of Military Appeals
  4. Naval Criminal Investigative Service
- 3-34. An MA may ask a person questions to establish identity without giving an Article 31 warning at which, if any, of the following times?
1. When the person is a suspect
  2. When the person is a witness
  3. At any time
  4. None of the above
- 3-35. An MA must give an Article 31 warning to a person prior to making which of the following requests?
1. Having an individual identify property by pointing to it
  2. Requiring that an individual submit handwriting samples
  3. Requesting that an individual be fingerprinted
  4. Requesting physical examination by a licensed physician
- 3-36. Of the following acts, which one is NOT considered degrading?
1. Using a catheter
  2. Extracting blood
  3. Using a stomach pump
- 3-37. In a trial by court-martial, evidence obtained at an interrogation without the Tempia warning will be treated in what way?
1. As admissible
  2. As inadmissible
  3. As circumstantial
  4. As doubtful

- 3-38. With regard to custodial interrogation, a suspect is considered taken into custody under which of the following circumstances?
1. If the suspect is deprived of freedom of action in any significant way
  2. If the suspect could reasonably believe he or she is in custody
  3. Both 1 and 2 above
  4. When the suspect is placed under arrest only
- 3-39. Advice to the accused of the right to counsel is normally required at which of the following times?
1. When the accused is to be searched
  2. When the accused is to be fingerprinted
  3. When an Article 31 warning is not required
  4. When an Article 31 warning is required
- 3-40. An accused has no right to counsel at which of the following times?
1. At an Article 15 hearing
  2. At a summary court-martial
  3. Before making a decision concerning rejection of NJP
  4. Before making a decision concerning acceptance of NJP
- 3-41. In the military, "counsel" means a lawyer as defined in what source?
1. Article 1010, Navy Regulations
  2. Article 0901, Navy Regulations
  3. Article 27, UCMJ
  4. Article 37, UCMJ
- 3-42. An accused who is to be interrogated has the absolute right to have counsel present at which of the following times?
1. Before the interrogation
  2. During the interrogation
  3. Both 1 and 2 above
  4. After the interrogation is over
- 3-43. An accused may end an interrogation for which of the following reasons?
1. The accused is tired
  2. The accused has another appointment
  3. The accused is bored
  4. Each of the above
- 3-44. When an accused indicates a desire to terminate the interview after an Article 31 warning has been given, what action should be taken next?
1. The interview is continued and any statement made after the indication to terminate the interview is admissible in a trial
  2. The interview is continued and any statement made after the indication to terminate the interview is inadmissible in a trial
  3. The interview is terminated
  4. The accused is advised that failure to continue the interview would be in violation of Article 92, UCMJ
- 3-45. All suspects are entitled to warnings flowing from what amendments?
1. Fourth, fifth, and sixth
  2. Fourth and fifth only
  3. Fifth and sixth only
  4. Fourth and sixth only
- 3-46. Article 31b of the UCMJ imposes how many requirements?
1. One
  2. Two
  3. Three
  4. Four

- 3-47. After you have advised a suspect of the charges, the right to remain silent, and that anything he says may be used as evidence in a trial, what should you do next?
1. Ask him if he understands
  2. Begin your questioning
  3. Show him the evidence
  4. Read him Article 31
- 3-48. The warning requirement is met by simply reading Article 31 to the accused.
1. True
  2. False
- 3-49. If an accused orally waives his rights but refuses to sign a rights acknowledgement form, what should you do?
1. Call a lawyer
  2. Stop the interrogation
  3. Proceed with the questioning
  4. Compel the accused to sign the form
- 3-50. If a rights acknowledgement form is NOT available in a street interrogation, what should you do?
1. Secure a form before you interrogate
  2. Interrogate in the presence of two witnesses
  3. Obtain a lawyer for the suspect and interrogate
  4. Interrogate and keep notes on the circumstances
- 3-51. What are the punitive articles of the UCMJ?
1. 77 through 134
  2. 77 and 134 only
  3. 121 through 128 only
  4. 128 through 134 only
- 3-52. The offense of assault is covered in what article of the UCMJ?
1. 77
  2. 80
  3. 121
  4. 128
- 3-53. A person who commits a crime is called a/an
1. performer
  2. principal
  3. accomplice
  4. accessory
- 3-54. Of the articles defined as punitive, what article is NOT punitive in nature?
1. 77
  2. 78
  3. 80
  4. 81
- 3-55. A person who provides assistance to a known prisoner to enable the prisoner to escape is called a/an
1. principal
  2. accessory after the fact
  3. accessory during the fact
  4. accomplice
- 3-56. What article of the UCMJ covers an act done with specific intent to commit an offense, even though the attempt failed?
1. 78
  2. 80
  3. 121
  4. 129
- 3-57. What article of the UCMJ covers insubordinate conduct toward a warrant officer or petty officer?
1. 78
  2. 86
  3. 91
  4. 94

3-58. A person who quits his or her place of duty with intent to stay away permanently is guilty of what offense?

1. Desertion
2. Missing movement
3. Absence with leave
4. Failure to obey an order

3-59. Any member of the Armed Forces who without authority fails to go to his or her appointed place of duty at a prescribed time is in violation of what offense?

1. Desertion
2. Missing muster
3. Absence over leave
4. Absence without leave

3-60. A person who is derelict in the performance of his or her duty is in violation of what article of the UCMJ?

1. 92
2. 90
3. 86
4. 82

IN ANSWERING QUESTIONS 3-61 THROUGH 3-66, SELECT THE ARTICLE OF THE UCMJ IN COLUMN B THAT MATCHES THE DESCRIPTION IN COLUMN A. RESPONSES MAY BE USED MORE THAN ONCE.

	<u>A. DESCRIPTIONS</u>	<u>B. ARTICLES</u>
3-61.	Applies to a person who enables a prisoner committed to his or her charge to escape	1. 95 2. 96 3. 97
3-62.	Applies to the offense of a person who sells government property without proper authority	4. 108
3-63.	Describes a person who resists arrest or apprehension	
3-64.	Forbids the unlawful confinement of a person	
3-65.	Deals with a person who escapes from custody	
3-66.	Discusses an offense that includes wrongfully releasing a prisoner	

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3-67. What article of the UCMJ covers drunken or reckless driving?

1. 100
2. 103
3. 108
4. 111

3-68. If found drunk on watch, which of the following persons should NOT be charged with the offense of drunk on duty?

1. An OOD
2. A quarterdeck messenger
3. A lookout
4. A duty storekeeper

- 3-69. An enlisted person of a ship's watch NOT performing the duties of a sentinel or lookout is found drunk on duty. What article of the UCMJ covers this violation?
1. 97
  2. 112
  3. 113
  4. 134
- 3-70. Under which of the following circumstances should a sentinel on post NOT be charged with Article 113 of the UCMJ?
1. When found drunk
  2. When found smoking
  3. When found sleeping
  4. When leaving his or her post before being regularly relieved
- 3-71. A service member who intentionally inflicts self-injury should be charged under what article of the UCMJ?
1. 114
  2. 115
  3. 116
  4. 117
- 3-72. A service member who gives false testimony under oath should be charged with what offense?
1. Perjury
  2. Extortion
  3. Breach of the peace
  4. False official statements
- 3-73. A service member who signs any false record with intent to deceive may be charged under what article of the UCMJ?
1. 81
  2. 88
  3. 107
  4. 109
- 3-74. A sailor, without intent, kills a shipmate through negligence. The sailor be charged under what article of the UCMJ?
1. 116
  2. 119
  3. 124
  4. 132
- 3-75. A member has been disrespectful toward his or her superior commissioned officer. What article of the UCMJ covers this offense?
1. 88
  2. 89
  3. 91
  4. 92